IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, CIVIL JURISDICTION

WRIT PETITION NO.6329 OF 2005

Shri Harilal Singh Parsan Singh & Ors. ...Petitioners

Vs.

The Slum Rehabilitation Authority & Anr..Respondents

Mr.H.S. Anand for the Petitioners
Mr. G.D. Utangale i/b. Utangale & Co., for the Respondent No.1.
Mr. Hitesh Jain i/b. Udwadia & Udeshi & Co., for Respondent No.4.
Mr. V.P. Malwankar, AGP for the Respondent No.2.

CORAM: F.I. REBELLO &
DR. D.Y. CHANDRACHUD,JJ.
DATE : 28th September, 2005

P.C.:

. Rule. Heard forthwith.

2. On behalf of the petitioner the principal contention urged is that the notice dated 20th June, 2005 issued by the Additional Collector (Encroachment) Respondent No.2 is without jurisdiction as the notice under Section 33 has to be issued by the Chief Executive Officer. On behalf of the Respondents it is pointed out that except for Petitioner No.8, notice has not been issued to other petitioners and as such the petition in so far as they are concerned is not maintainable. On behalf of the petitioners learned Counsel states that those persons were the very persons named in the notice. We do not propose to go into that considering that the petition at the instance of the petitioner No.8 is maintainable. The issue is

jurisdiction of the Respondent No.2 to issue the notice. As the Respondent No.2 had no jurisdiction to issue the notice petition made absolute in terms of prayer clause (c). Liberty to the Chief Executive Officer to take such steps which he will be entitled to take. The petitioners contend that their claims are pending before S.R.A. The S.R.A. to consider and decide the same as expeditiously as possible.

(F.I.REBELLO, J.)

(DR. D.Y. CHANDRACHUD, J.)